GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MINES & MINERALS – Transfer of Mining Lease held by M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.) for Limestone over an extent of 629.22 Hectares in Sy.No.376 of Budawada (V), Jaggaiahpeta (M), Krishna Dist in favour of M/s.Ultratech Cement Ltd., for the unexpired portion of the lease period up to 05.03.2062 under the scheme awarded by the Hon'ble National Company Law Tribunal of Mumbai & Allahabad under Minerals (Transfer of Mining Lease granted otherwise than through auction for Captive Purpose) Rules, 2016 – Permission accorded - Orders – Issued.

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INDUSTRIES & COMMERCE (M.III) DEPARTMENT

G.O.Ms.No.74 Dated.17.05.2017.

Read the following:

1.G.O.Ms.No.59, Ind & Com (M.II) Dept, dt.28.02.2012.
2.G.O.Ms.No.133, Ind & Com (M.IV) Dept, dt.08.11.2013.
3.Online Appln dt.30.03.2017 of M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.).
4.From Director of Mines & Geology, A.P., Vijayawada File bearing No.12426/R2-3/015, dt.10.05.2017.
5.G.O.Ms.No.73, Ind & Com (M.III) Dept, dt.17.05.2017.

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O R D E R:

In the reference 1st read above, a Mining lease was granted for Lime Stone over an extent of 629.22 Hectares in Sy.No.376 of Budawada (V), Jaggaiahpeta (M), Krishna Dist for a period of 30 years for captive purpose in favour of M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.,). The M.L. deed was executed by the ADM&G, Nandigama vide his Progs dt:06.03.2012 for a period of (30) years and the lease is in force up to 05.03.2042.

2. In the reference 2nd above, permission has been accorded for change of name of the lessee from M/s.Jaypee Balaji Cement Project (A Unit of Jaiprakash Associates Ltd.) to M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.) in Sy.No.376 of Budawada (V), Jaggaiahpeta (M), Krishna Dist and the same was executed vide Progs, dt.21.05.2014 of ADM&G, Nandigama.

3. In the reference 3rd read above, the Director of Mines & Geology, A.P., Vijayawada has stated that according to the report of ADM&G, Nandigama a transfer application is received through online vide reference MIN 011700054154 on 30.03.2017 in the prescribed format as per the Scheduled-IX required under Rule 23 (3) of Minerals (other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 from M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.) to transfer the Mining Lease in favour of M/s.Ultratech Cement Ltd. The both authorized signatories of transferor M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.) and transferee M/s.Ultratech Cement Ltd., have made signatures on the application. The transferee is also a Cement company Viz. M/s.Ultratech Cement Ltd. The ADM&G, Nandigama while furnishing the inspection report has further reported that the subject area was inspected along with Asst. Geologist & Surveyor of his office in presence of the representatives of transferor and transferee on 17.04.2017 and it was revealed that the circumstances are favorable to transfer the subject M.L. in favour of M/s.Ultratech Cement Ltd., from M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd). As per the transfer application the both transferor and transferee stated that since the identified business of the transferor company including the mines under reference is to be transferred to the transferee company on slump exchange basis in terms of the scheme of arrangement duly sanctioned by the Hon'ble National Company law Tribunal, Mumbai, no specific values have been assigned to individual assets. As such, there is no speculation involved in this transaction of the transfer lease. The lessee & transferor M/s. Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Limited) has submitted certified copy of their board resolution for signatory of the transferor and certified copy of National Company Law Tribunal. Further, the transferee M/s.Ultratech Cement Ltd., has submitted relevant supporting documents such as Copy of Board Resolution dt.14.02.2017, Certified copy of Articles & Memorandum of the Company application, Certified copy of list of Board of Directors of the Company, Income Tax Clearance Certificate, Notarized Affidavit for no Dues & Notarized Affidavit for accepting all the conditions & Liabilities under law. The transferee has addressed the Regional Controller of Mines, IBM informing that the AMP

**(P.T.O.)**

No.MP/AP/KSN/LST-190-SZ/891, dt.28.06.2013 in favour of the transferor shall stand transferred to and vested in Ultra Tech by virtue of the Scheme awarded by the Hon'ble National Company Law Tribunal of Mumbai & Allahabad and approach separately to the IBM to that extent. The Assistant Director of Mines & Geology, Nandigama has further reported that the transferee has no mineral revenue dues.

4. The Director of Mines & Geology, A.P., Vijayawada has, therefore, requested the Govt to consider the transfer of lease in favour of M/s.Ultratech Cement Ltd., for the unexpired portion of the lease period up to 05.03.2062 as per the scheme awarded by the Hon'ble National Company Law Tribunal of Mumbai & Allahabad subject to satisfaction of the MM (D&R) Amendment Act, 2015 and Minerals (Transfer of Mining Lease granted otherwise than through auction for Captive Purpose) Rules, 2016.

5. In the reference 4th read above, orders are issued extending the Mining Lease for a period of (50) years w.e.f. 06.03.2012 to 05.03.2062 for Limestone over an extent of 629.22 Hectares in Sy.No.376 of Budawada (V), Jaggaiahpeta (M), Krishna Dist in favour of M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.) under section 8-A (3) read with Sec 8-A (5) of MM (D&R) Amendment Act, 2015 subject to DGPS Survey and also a valid MRCC.

6. Government after careful examination of the entire issue, hereby accord permission to transfer the Mining Lease held by M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.) for Limestone over an extent of 629.22 Hectares in Sy.No.376 of Budawada (V), Jaggaiahpeta (M), Krishna Dist in favour of M/s.Ultratech Cement Ltd., for the unexpired portion of the lease period ending 06.03.2012 to 05.03.2062 under the scheme awarded by the Hon'ble National Company Law Tribunal of Mumbai & Allahabad under Minerals (Transfer of Mining Lease granted otherwise than through auction for Captive Purpose) Rules, 2016 and subject to fulfillment of the conditions prescribed therein.

7. The Director of Mines & Geology, Government of A.P., Vijayawada shall take necessary further action after satisfying himself that the transferee fulfills all the required provisions of the amended Act & Rules applicable.

*<u>Note:</u> the grant is liable to cancellation, should it be found at later date that it was grossly inequitable or was made under a mistake of fact or owing to misrepresentation or fraud in excess of authority.*

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SREEDHAR
SECRETARY TO GOVERNMENT (MINES)

To,
M/s.Jaypee Balaji Cement Plant (A Unit of Jaypee Cement Corporation Ltd.), Sector-128, Noida – 201 304, Uttar Pradesh.
M/s.Ultratech Cement Ltd., Regd. Office: Ahura Centre, B-Wing, 2nd Floor, Mahakali Caves Road, Andheru (East), Mumbai – 400 093.
The Director of Mines & Geology, A.P., Vijayawada. (with file)

**<u>Copy to:</u>**

The Deputy Director of Mines & Geology, Kakinada, East Godavari District.
The Assistant Director of Mines & Geology, Nandigama, Krishna District.
The District Collector, Krishna District.
The Secretary to Government of India, Ministry of Mines, Sastry Bhavan, New Delhi – 110 001.
The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur – 440 001.
The Director General of Mines Safety, Dhanbad, Bihar.
The Regional Controller of Mines, Indian Bureau of Mines, Room No.603, 6th Floor, CGO Towers, Kavadiguda, Secunderabad – 500 080.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER